

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GIORGI GLOBAL HOLDINGS, INC., *et al*,

Plaintiffs,

v.

WIESLAW SMULSKI, *et al*,

Defendants.

CIVIL ACTION
NO. 17-4416

ORDER

AND NOW, this 22nd day of September, 2022, upon review of Plaintiffs' Motion Under Rule 37(b)(2)(A)(iii), (vi) and (e)(2)(C) of the Federal Rules of Civil Procedure to Strike Defendants' Answers and for Entry of Default, Defendants' opposition thereto and Plaintiffs' reply, as well as all sur-replies, and after argument being held, it is hereby **ORDERED** as follows:

1. Plaintiffs' Motion (Docket Nos. 133 and 134) is **GRANTED** in part and **DENIED** in part;
2. Plaintiffs' Motion is **GRANTED** to the extent it seeks sanctions against Defendants for discovery misconduct;
3. Plaintiffs' Motion is **DENIED** to the extent it seeks to strike Defendants' Answers and an entry of default;
4. It is found to be an established fact that Defendant, Wieslaw Smulski, had an interest in and/or connection with the entities Plaintiffs allege were used in the outsourcing scheme, namely Green Ventures, Ltd., IPOPEMA 67, PAPC, S.A., Pol-Pack Service, S.A., and IGM Engineering Services SP. z o.o.;

5. Defendants shall not produce any evidence or present any argument at the trial of this matter that contradicts this established fact;
6. An adverse inference is warranted in this matter and a jury shall be permitted to conclude that the financial records Defendants failed to produce from Wieslaw Smulski's UAE bank accounts, BNP Paribas and Fortis Bank accounts for the years 2011 to 2015 and pages 590 to 688 of the Alior Bank records would have been harmful to Defendants' case;
7. Defendants shall pay Plaintiffs the amount of reasonable attorneys' fees that were expended in preparing the instant motion; and
8. Within twenty (20) days, Plaintiffs shall submit an affidavit to this Court documenting the amount of fees expended in preparing the instant sanctions motion.

BY THE COURT:

/s/ Jeffrey L. Schmehl
Jeffrey L. Schmehl, J.